

**KOFI, INC.  
Kalispell, Montana**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: MM Docket No. 99-25  
Further Notice of Proposed Rule Making

Dear Ms. Dortch:

This is in response to the Commission's Second Order on Reconsideration and Further Notice of Proposed Rule Making in MM Docket No. 99-25 (released March 17, 2005), concerning the possibility of affording low power FM stations a priority over FM translators in the use of FM spectrum. KOFI, Inc. is the licensee of FM Broadcast Station KZMN, Kalispell, Montana. KZMN is Class C1 FM station. While KZMN serves a large portion of the Rocky Mountain area surrounding Kalispell, its signal is difficult to receive due to the severe intervening terrain in numerous portions of its service area. As a result, the only way many people can receive the KZMN signal is via a translator.

One area that suffers serious degradation due to the surrounding terrain is Whitefish, Montana. KOFI, Inc. has filed an application for a translator to serve Whitefish (File No. BNPFT-20030313AND). The translator, which was filed over two years ago, is still pending at the Commission. This translator is desperately needed to provide a listenable signal to the residents of the Whitefish, Montana area. It is an area within the city-grade coverage area of Station KZMN, portions of which presently cannot receive an acceptable signal from the station. The Commission's proposal to possibly dismiss the KOFI, Inc. Whitefish application is clearly not in the public interest. Not only would such a dismissal significantly damage KOFI, Inc., which has expended thousands of dollars prosecuting its application on the representation of the Commission that its application would be accepted and considered in due course, but it would deprive listeners within the KZMN primary coverage area of their only means by which a station which serves the Whitefish area can provide it with a listenable signal.

Translators do not simply rebroadcast another station. In the Rocky Mountain area translators generally rebroadcast local stations that listeners rely upon and depend upon. They provide a genuine service by allowing people to hear nearby radio stations when, in many cases, their communities have no stations or only a few stations of their own. Translators need to be protected just as their primary station service areas are protected. There simply is no basis for LPFM stations

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to get priority status over translators. Especially, in the Rocky Mountain area, translators often provide the only means by which a primary station can serve its complete coverage area.

Dated this 8/16 day of August, 2005.

Very truly yours,

KOFL, INC.

By:   
David Rae, President